

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.21183 OF 2006

ORAL ORDER:

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This writ petition is filed questioning the order dated 13.4.2006 passed by the 1st respondent in exercise of the powers conferred under Section 3(2)(a) of the A.P. Scheduled Areas (Land Transfer) Regulation 1 of 1959 (for short "Regulation 1 of 1959") directing ejectment of the petitioner from the land in question.

At the outset, it is to be noted that against the order impugned an alternative remedy of appeal is provided under the statute and without exhausting such remedy, the petitioner cannot maintain this writ petition.

However, the learned counsel for the petitioner contended that the impugned order of ejectment is contrary to the Judgment of a Full Bench of this Court in **Narsa Reddy v. Collector, Adilabad**^[1], wherein it was held that Regulation 1 of 1959 is only prospective and the validity or otherwise of the transfers made prior to Section 3(1) or its amendments by Regulation II of 1963 or 1 of 1970, coming into force, cannot be adjudicated upon under Section 3(2) of the Regulation.

Whether the transfer, which is the subject matter of the present writ petition took place prior to the commencement of Regulation 1 of 1959, or not itself is a question of fact, which cannot be gone into and decided in a writ proceeding under Article 226 of the Constitution of India. Hence, the petitioner ought to have availed the alternative remedy of appeal as available under the Regulation 1 of 1959.

Accordingly, granting leave and liberty, the writ petition is dismissed. No costs.

(G. ROHINI, J.)

13th October, 2006.

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WRIT PETITION No.21183 OF 2006

13th October, 2006.

Between:

Shaik Pentu Miyya

.. Petitioners.

And

The Spl. Dy. Collector, (Tribal Welfare),
Bhadrachalam, Khammam district and others.

.. Respondents.

[\[1\]](#) 1981 ALT (FB) 239.